



भारत का राजपत्र The Gazette of India

प्रसाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 46] नई दिल्ली, शुक्रवार, अगस्त 7, 1992/श्रावण 16, 1914
No. 46] NEW DELHI, FRIDAY, AUGUST 7, 1992/SRAVANA 16, 1914

इस भाग में भिन्न तृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 7th August, 1992:—

I

BILL NO. XLV OF 1992

A Bill to provide for the compulsory issue of multi-purpose identity cards to the citizens of India by the State and for matters connected therewith.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizens' Multipurpose Identity Cards Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires "Citizen" shall have the same meaning as defined under the Citizenship Act, 1955.

3. (1) The Central Government shall, within one year from the date of coming into force of this Act, in consultation with the State Governments and Union Territory Administrations, issue a multi-purpose identity card to every citizen of India.

(2) The multi-purpose identity card issued under sub-section (1) shall contain the following particulars of the holder of the card, namely:—

(a) full name in capital letters with latest photography;

Short
title, extent
and com-
mencement.

Defini-
tion.

Issue of
a multi-
purpose
identity
card to
every
citizen.

- (b) father's name, occupation, age and postal address;
- (c) age with date of birth;
- (d) permanent address;
- (e) temporary address, if any;
- (f) occupation with such details as may be prescribed;
- (g) educational qualifications;
- (h) blood group; and
- (i) such other information as may be prescribed.

(3) The multi-purpose identity card shall be prepared in such manner as may be prescribed.

Use of
Multi-
purpose
identity
card.

3. Notwithstanding anything contained in any other law for the time being in force the multi-purpose identity card shall be,—

- (a) the conclusive proof of citizenship, age and date of birth of a citizen;
- (b) usable for purchasing essential commodities from Public Distribution system;
- (c) required for the purpose of exercising the right of franchise;
- (d) used for purchasing a flat/house or plot of land from any housing board or agency by whatever name called;
- (e) for such other purposes as may be prescribed.

Punish-
ment for
misuse
of multi-
purpose
identity
card.

4. If any person is found guilty of misusing the multi-purpose identity card issued to him under this Act, he shall be punishable with a fine which may extend to two thousand rupees.

Power to
make
rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) size, shape and colour of the multi purpose identity card, the photograph to be affixed and of the letters to be used therein;
- (b) the authority or authorities empowered to issue multi-purpose identity card;
- (c) procedure to be followed in issuing such a card;
- (d) fees, if any, to be charged from the citizens for issuing such a card;
- (e) fine which may be imposed for damaging, losing or misusing a multi-purpose identity card;
- (f) manner in which publicity may be given to the provisions of this Act so as to enable citizens to get their multi-purpose identity cards prepared.

STATEMENT OF OBJECTS AND REASONS

Ours is a very vast country bordering many countries in the region. The influx of foreign nationals from across these international borders has assumed serious dimensions. One of the means to check the influx of foreign nationals in the country is to issue identity cards to citizens so as to identify the illegal migrants and deport them at once. Similarly impersonation at the elections is another serious problem. This can also be checked if multi-purpose identity cards are issued by the State to the Citizens. The multi-purpose identity card could be used for various other purposes also. It will, however, involve tremendous labour and cost but will certainly reduce the influx of foreign nationals who are a security risk to the country. Therefore, it is proposed that every citizen in the country should be given a multi-purpose identity card at the earliest.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 2 provides for the issue of a multi-purpose identity card to every citizen of the country. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten crores per annum will be incurred as recurring expenditure.

Similarly a sum of rupees five crores is also likely to be incurred as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. Hence the delegation legislative power is of normal character.

II

BILL NO. LV OF 1992

A Bill further to amend the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Amendment Act, 1992.

(2) It shall come into force at once.

2. In section 3 of the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything in this Act it shall be the duty of a Public Financial Institution or Banking Company, as the case may be, referred to in this Act to divulge any information relating to the affairs of such a Public Financial Institution or Banking Company required by a Parliamentary Committee appointed by either House or Houses of Parliament in this behalf.”

Short
title,
and com-
mence-
ment.

Amend-
ment of
section.
3 of Act,
48 of 1983.

STATEMENT OF OBJECTS AND REASONS

Recently the entire Banking Industry and Public Financial Institution System in our country were rocked by the biggest ever scandal widely known as the "securities scam" involving more than three thousand crores of rupees in which nationalised and international Banks and major public financial institutions and their bosses were also involved. It has now come to light that all the bankers and financial institution managements, in connivance with some leading share brokers, particularly of the Bombay Stock Exchange, siphoned the money and misappropriated the public money deposited therein. It has put a question mark over the dependability of public financial institutions, and a sense of insecurity is growing among the general public about their deposits in banks and financial institutions.

One reason for the occurrence of such a scam is that the working of banking companies and public financial institutions is immune from public scrutiny by any authority, which perhaps emboldens their bosses to do whatever they like; hence the biggest-ever scam.

In the recent past, the Public Accounts Committee of Lok Sabha had scrutinised the working of our Defence establishments. Similarly, the Subordinate Legislation Committees of Lok Sabha and Rajya Sabha scrutinise the rules of various Organisations including Banks and their officers are summoned to give their views and evidence. So it should be made legal for the Parliamentary Committees to inquire into the working of Banks and Financial Institutions and it should be the duty of such institutions to place everything before such a Committee.

Empowering Parliamentary Committees to scrutinise the functioning of Public Financial Institutions including Banks may exert a healthy check on officials of banks and public financial institutions who, at present, are somewhat immune to Parliamentary Scrutiny, under fidelity and secrecy laws.

Hence this Bill.

SURESH PACHOURI

III

BILL NO. XLIII OF 1992

A Bill to ban the promotion, conduct and sale of lotteries and tickets thereof and for matters connected therewith.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Lotteries (Banning) Act, 1992.

Short
title,
extent
and com-
mence-
ment,

(2) It extends to the Union Territories and the areas earmarked as National Capital Region by the National Capital Region Planning Board Act 1985.

2 of 1985.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires, "lottery" means making arrangement for distributing prizes through draw of lots by shuffling numbers corresponding to those on tickets by chance among the purchasers of such numbered tickets.

Definition.

3. No person including a Government Department or its undertaking shall promote, conduct and put for sale any lottery or lottery tickets in any manner whatsoever or receive or remit any money in pursuance of such lottery.

Banning
of lotteries

Penalty
for contra-
vening the
provi-
sions of
section 3.

4. Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both, or with both.

Penalty
for
other
offences
in con-
nection
with lot-
teries.

5. Any person who with a view to the promotion or conduct of any lottery in contravention of the provisions of this Act,—

(a) prints or publishes any ticket for use in a lottery; or

(b) sells or distributes or offers or advertises for sale or distribution or has in his possession for the purpose of sale or distribution any ticket for use in the lottery; or

(c) uses any premises or causes or knowingly permits any premises to be used for purposes connected with a lottery; or

(d) causes or procures or attempts to procure any person to do any of the above mentioned acts, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees or with both.

Offences
by com-
panies or
Govern-
ment de-
part-
ments.

6. Notwithstanding anything contained in any other law for the time being in force, where an offence under this Act has been committed by a company or a Government Department or undertaking, every person who, at the time of the offence was committed, was in-charge of and was responsible to the company or the Government Department or undertaking, as the case may be, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Power to
try of-
fences.

7. No court inferior to that of a Chief Metropolitan Magistrate or as the case may be, Chief Judicial Magistrate, shall try any offence punishable under this Act.

Offences
under
this
Act to
be cogni-
zable.

8. All offences punishable under this Act shall be cognizable.

Power to
make
rules.

9. The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

People, particularly from the middle and poor classes have a desire to become millionaire overnight and for this they try various means to achieve it. Such people try their luck in gambling, *Satta*, *Matka*, horse race, prize chits, lotteries and even many of them go to the extent of smuggling and blackmarketing in various articles and foreign exchange. To exploit and tap the money from such people various private organisations and Governments and their undertakings have floated various types of lotteries throughout the country and are doing roaring business. The promoters of lotteries are inventing dubious ways to attract more and more people for investing money in lotteries. Many have started daily, weekly, bi-weekly, monthly lotteries of one number, two number and the whole number lotteries thereby offering crores of rupees as prize money. Attracted by the offers followed by advertisements through the media in a big way people are investing their hard earned money in lotteries and most of them lose this money. But soon lottery ticket purchasing becomes a habit and gradually such people lose everything even the ornaments of their near and dear ones and their movable and immovable properties. But they hardly give up their habit. Many families in the country have been ruined by such habit. These days some unscrupulous people have started *satta* business in lottery tickets and are duping people who want to earn money through it. In the capital it has become a big business. This gambling though legalised by various Governments to earn revenue has to be stopped in the larger interest of the society. The families have to be saved from being ruined and those families which have been ruined have to be rehabilitated. Of course the Governments are getting revenue and many people have been employed in this business but at what cost? It is at the cost of duping the poor people and by ruining their families, by snatching bread and milk from their children. To save the millions of people in the country from the clutches of lottery system, we have to forget the revenue and employment angles and have to be bold enough to impose a ban on all kinds of lotteries forthwith. After all it should be our concern to save the society and cleanse it as a whole even if we lose some revenue in the process.

Hence this Bill.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of Legislative Power is of normal character.

BILL No. XLVIII OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1992.

2. In article 244 of the Constitution:—

(i) clause (1) shall be omitted,

(ii) for clause (2) the following clause shall be substituted, namely:—

“(2) the provisions of the Fifth and Sixth Schedules shall apply to the administration of the tribal areas in any State including Assam, Meghalaya, Tripura and Mizoram.”

Short
title.

Amend-
ment of
article
244.

STATEMENT OF OBJECTS AND REASONS

Indian Constitution is based on the principle of non-discrimination on the grounds of religion, caste, creed and race. The Fifth Schedule was, however, included to regulate the administration and control of Scheduled Areas and Scheduled Tribes under article 244(1) excluding the States of Assam, Meghalaya, Tripura and Mizoram. Similarly, article 244(2) deals exclusively with matters relating to the administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram as per the provisions of Sixth Schedule.

The Bill, therefore, seeks to remove the discrimination which would bring uniformity in the administration of Scheduled Areas of all the States.

Hence, this Bill.

VISHWASRAO RAMRAO PATIL

BILL No. XLVII OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows: -

1. This Act may be called the Constitution (Amendment) Act, 1992.
2. After article 330 of the Constitution the following article shall be inserted, namely:—

330A. (1) Seats shall be reserved in the Council of States and the House of the People for the other backward classes identified by the Second Backward Classes Commission appointed under article 340 of the Constitution in December, 1978.

(2) The number of seats reserved in any State or Union Territory for the other backward classes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union Territory in the House of the People and the Council of States as the population of the other backward classes in the State or the Union Territory or part of the State or Union Territory, as the case may be, in respect of which seats are

Short
title.

Inser-
tion of
new
article
330A.

Reserva-
tion of
seats for
other
back-
ward
classes in
the
Parlia-
ment
and
State
Legis-
latures.

so reserved, bears to the total population of the State or Union Territory.

(3) Seats shall be reserved for the other backward classes in the Legislature of a State in the manner prescribed in clause (2).

(4) Notwithstanding anything in the foregoing provisions the reservation of seats for the other backward classes in the Parliament and the State Legislatures shall cease to have effect on the expiration of a period of ten years from the commencement of the Constitution (Amendment) Act, 1992:

Provided that nothing in this article shall effect the representation in the Parliament or State Legislature as the case may be, until the dissolution of the then existing House or assembly as the case may be.

STATEMENT OF OBJECTS AND REASONS

The population of India is about 85 crores. At present 85 per cent of the population of India comprises of Scheduled Caste and other backward classes. The Scheduled Castes and Scheduled tribes have been given representation in the House of People on the basis of population i.e., 22.5 per cent, keeping in view social justice.

Similarly, the major population of 62.5 per cent representing other backward classes have been denied social justice. After 45 years of Independence backward classes are still economically, educationally, politically and socially backward. To give social justice to these communities, it is very essential to give reservation of seats to other backward classes to eradicate this inequality. It is in the fitness of things to give proper representation by reserving seats in the Parliament and State Legislatures on the basis of population.

Hence this Bill.

VISHWASRAO RAMRAO PATIL

BILL No. LVI OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1992.

Amend-
ment of
Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(a) entries 8 to 15 shall be re-numbered as entries 9 to 16 respectively; and

(b) before entry 9 as so re-numbered, entry “8. Manipuri”, shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Manipuri is an ancient, independent and developed language having rich literature and is spoken by the people living in the State of Manipur. For quite sometime there had been a strong demand of the people of Manipur for the inclusion of their language in the Eighth Schedule to the Constitution and now this demand of peace loving people of this sensitive border State is taking the shape of a popular movement. At the time of the framing of the Constitution of India, the State was not represented separately in the Constituent Assembly. Hence the inclusion of the Manipuri language in the Eighth Schedule could not be considered. The new generation, particularly the youth of this far flung State, who have been playing a constructive role in the process of nation building, want recognition of their mother tongue and earnestly hope that Parliament will accord their language its due place with other national languages.

This Bill seeks to achieve the above objective.

KRISHAN LAL SHARMA

VII

BILL No. LVII OF 1992

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1992.

Amend-
ment of
Eight
Schedule.

2. In the Eighth Schedule to the Constitution,—

(a) entries 9 to 15 shall be re-numbered as entries 10 to 16 respectively; and

(b) before entry 10 as so re-numbered, the entry “9. Nepali” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Nepali is an ancient language with developed literature. Linguistic studies have established beyond doubt that Nepali is a modern Indo-Aryan language born of Sanskrit. The Nepali language is an official language of Sikkim and of Darjeeling hill sub-divisions of West Bengal. The language is spoken by over one crore people in the country. These Nepali speaking people are citizens of India by virtue of their descent and birth in the country. They have been serving in the armed forces with distinction and are second to none so far as their bravery, courage and loyalty is concerned. For generations they have been enjoying political rights. Four State Legislative Assemblies, namely, the West Bengal, Sikkim, Tripura and Himachal Pradesh have unanimously resolved to urge upon the Union Government to include the Nepali language in the Eighth Schedule. Since the early fifties there has been demand for inclusion of the Nepali language in the Eighth Schedule, both inside and outside the Parliament. The inclusion of the Nepali Language in the Eighth Schedule of the Constitution will meet the aspirations of the large number of Nepali speaking people of India. It is, therefore, high time that due recognition is given to this language by its inclusion in the Eighth Schedule of the Constitution.

Hence, this Bill.

MAHESHWAR SINGH

VIII

BILL No. LII OF 1992

A Bill to provide for the establishment of an Authority for the planning and integrated implementation of measures for the control of floods and bank erosion in the northern parts of the State of Bihar caused by Ganga, Gandak, Mahananda and Sone rivers, for joining all these rivers-through canals in that State and to provide irrigation facilities in the Central and Southern parts of the State and for matters connected therewith.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Bihar Flood Control Authority Act, 1992.

(2) It shall come into force at once.

Declara-
tion to
expedi-
ency of
control
by the
Union.

2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of the stretch of Ganga, Gandak, Mahananda and Sone rivers particularly in the northern parts of the State of Bihar to the extent hereinafter provided.

3. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "Authority" means the Bihar Flood Control Authority established under section 4 of this Act;

(b) "Chairman" means the Chairman of the Authority;

(c) "fund" means the Bihar Flood Control Authority fund constituted under section 11 of this Act;

(d) "garland canal scheme" means the scheme for joining the Ganga, Gandak, Mahananda and Sone rivers through canal to link the Central and Southern parts of the State of Bihar for the purposes of irrigation;

(e) "Master plan" means the Master plan for the Control of floods, bank erosion and improvement of irrigation facilities in the Northern, Central and Southern parts of Bihar prepared by the Authority and includes where it is prepared in parts, each such part;

(f) "prescribed" means prescribed by rules made under this Act.

4. (1) With effect from such date as the Central Government may by notification in the Official Gazette, specify in this behalf, there shall be established for the purpose of this Act, an Authority to be called the Bihar Flood Control Authority.

Establish-
ment
of the
Bihar
Flood
Control
Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The authority shall consist of the following members, namely:—

(a) a Chairman and a Vice-Chairman to be appointed by the Central Government.

(b) a director of Authority *ex-officio*;

(c) four members of Parliament of whom two each shall be elected by the House of the People and two by the Council of States;

(d) a member each to represent respectively the Ministries of the Central Government dealing with Agriculture Irrigation, Finance, Power and Transport to be appointed by the Central Government;

(e) a member each to represent respectively the Central Water Commission, the Central Electricity, Authority, the Geological Survey of India, the Indian Meteorological Department to be appointed by the Central Government;

(4) If any member, for infirmity or otherwise, is incapable of carrying out his duties or is absent on leave otherwise than in circumstances not involving the vacation of his appointment the Central Government may appoint another person to act in his place.

(5) The Authority may associate with itself, in such manner and for such purposes as may be determined, any person whose assistance or advice it may desire in complying with any of the provisions of this Act.

(6) The term of office of members (other than the *ex officio* members) and other conditions of service shall be such as may be prescribed.

Advisory
Commit-
tees.

5. Subject to any rules made in this behalf, the Authority may, from time to time, constitute such Advisory Committees as may be necessary for the efficient discharge of its functions.

Functions
and
powers
of the
Authority.

6. The Authority shall perform such functions and exercise such of the powers within such areas in the Central, Northern and Southern parts of the State of Bihar as the Central Government may by notification in the official Gazette, specify from time to time:

Provided that before issuing any notification in respect of any area under this section the Central Government shall consult the Government of the State of Bihar.

Master
Plan
for the
Control
of floods
etc. in
the
State of
Bihar.

7. (1) Subject to the provisions of this Act and the rules, the Authority shall carry out surveys and investigations in the State of Bihar and prepare a Master Plan for the control of floods, bank erosion, improvement of drainage and desiltation of rivers in the State of Bihar:

Provided that the Authority may prepare the Master Plan in parts with reference to different areas of the State of Bihar or with reference to different matters relating to such areas and may, as often as it considers necessary so to do, revise the Master Plan or any part thereof.

(2) In preparing the Master Plan, the Authority shall have regard to the development and utilization of the Water resources of the Ganga, Gandak, Mahananda and Sone rivers for irrigation, hydro power, and other beneficial purposes and shall, as far as possible indicate in such plan the works and other measures which may be undertaken for such development.

(3) In addition to the Master Plan referred to above the Authority shall prepare the Master Plan for providing garland canal scheme for the Central and Southern parts of the State of Bihar by joining the Ganga, Gandak, Mahananda and Sone rivers by canals for the irrigation facilities in these parts of the State.

Other
functions
of the
Autho-
rity.

8. The Authority shall also perform such other functions, as are supplemental, incidental or consequential to the functions in this Act.

General
Power
of the
Autho-
rity.

9. Subject to the provisions of this Act and the rules made thereunder the Authority shall have the power to do anything which may be necessary or expedient for the purposes of performing its functions under this Act.

Direc-
tions
by the
Central
Govern-
ment.

10. The Central Government may, from time to time, issue to the Authority such directions and instructions as it may deem necessary for the efficient administration of this Act and the Authority shall carry out such directions and instructions.

11. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Authority such sums of money as the Central Government may consider necessary.

Grants by Central Government and funds of the Authority.

(2) There shall be constituted a fund to be called the Bihar Flood Control Authority Fund and there shall be credited thereto the sums paid to the Authority by the Central Government or the Government of the State of Bihar and all other sums received by Authority.

12. All members, officers and employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, Officers and employees of the Authority to be public servants.

13. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Every year the Northern parts of Bihar are inundated by the fury of floods caused by the Ganga, Gandak, Mahananda and Sone rivers. The floods bring havoc in this region resulting in heavy loss of human lives, their dwelling units livestock and causes widespread damage to standing crops. The floods also bring dreaded diseases like, cholera, gastroenteritis, hepatitis and other eye and skin diseases. After the floods are over people who are lucky survivors do not have a roof over their head, they do not have anything to eat and no drinking water is available to them. At the same time they face the dreaded diseases also. Thus they are left at the mercy of God though meagre help and assistance is provided to them by the Administration. But mere assistance is not enough because floods are an yearly routine. So the need of the hour is to remove the causes of the disease. Thus it is necessary to make fool-proof arrangements to see that floods do not occur in the Northern parts of Bihar year after year. So the rivers of Ganga, Gandak, Mahananda and Sone which are the cause of floods have to be tamed in such a way that their water is utilized for other purposes and they do not cause floods. Desiltation of these rivers from time to time may help in combating floods. Similarly water of these rivers can be utilized to generate hydro electricity and for irrigation.

It is also a fate of irony that whereas the Northern parts of the State of Bihar are inundated by floods each year the Central and Southern parts of the State are drought prone. There are no irrigation facilities in these regions. In order to overcome these problems the rivers flowing through the State can come handy. The Ganga, Gandak, Mahananda and Sone rivers can be connected through canals for irrigation facilities and these canals can be extended through Central and Southern parts of the State of Bihar. Thus a garland canal scheme can be formulated to provide irrigation facilities in these parts.

So the need of the hour is to establish an Authority which may be entrusted with the work of combating floods in the Northern parts of Bihar and to provide irrigation facilities in the Central and Southern parts of the State so that the State of Bihar may emerge prosperous in due course.

This Bill seeks to achieve the above objects.

S. S. AHLUWALIA.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Bihar flood Control Authority, Clause 11 of the Bill provides for grants to be made by central Government and fund to be created by the Government. The Bill, therefore, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that in the first instance a sum of rupees three hundred crores will be involved from the Consolidated Fund of India.

A sum of rupees two crores will also be required for non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

XI

BILL No. LIII OF 1992

A Bill to provide for the establishment of an autonomous Authority for the overall development of the economically and educationally backward areas of the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-third year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Backward Areas Development Authority Act, 1992.

(2) It shall come into force at once.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “Authority” means the Backward Areas Development Authority established under section 4;

(b) “Government” means the Central Government;

(c) "Prescribed" means prescribed by rules made under this Act.

3. The Government shall in consultation with the Government of the States and Union Territory Administrations, by notification in the Official Gazette, declare such areas of the country which in the opinion of the Government are economically and educationally backward.

Government to Declare backward areas.

4. (1) With effect from such date, as the Government may by notification in the Official Gazette, appoint, in this behalf, there shall be established an Authority to be called the Backward Areas Development Authority.

Establishment of Backward Areas Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract, and shall by the said name sue and be sued.

(3) The head office of the Authority shall be at Patna in the State of Bihar and the Authority may, with the previous approval of the Government establish offices at other places in the country.

5. The Authority shall consist of the following members,—

Composition of the Authority.

(a) Prime Minister, who shall be the *ex-officio* Chairman;

(b) a vice-chairman to be appointed by the Government;

(c) five members of Parliament representing Backward areas of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be elected by the Members of the respective Houses;

(d) eleven members to be appointed by the Government to represent the following Ministries/Departments of the Union,—

(i) Planning Commission;

(ii) Agriculture and Rural Development;

(iii) Industry;

(iv) Finance;

(v) Railways;

(vi) Communications;

(vii) Surface Transport;

(viii) Education;

(ix) Welfare;

(x) Irrigation; and

(xi) Power;

(e) not more than seven Members to be appointed by the Government by rotation in alphabetical order to represent the Governments of the States having the Backward areas;

(f) two members to be appointed by the Government who in its opinion are experts in various fields of economic development.

Officers, employees and other set up of the Authority.

6. The Authority shall have such officers, employees and other set up including the conditions of service of such officers and employees as the Government may determine from time to time for the efficient functioning of the Authority.

Authority to ensure allround development of backward areas.

7. (1) The Authority shall ensure, by such measures as it thinks fit, the allround development of economically and educationally backward areas of the country.

(2) Without prejudice to the generality of the foregoing provision, the Authority shall take measures for the development, particularly of free investment industrial centres with immunity for investments, and of railways, roads, post and telegraph and other means of communications, agriculture and irrigation facilities by constructing wells etc. industries, banking, drinking water facilities, hydal, solar and wind power, forests, livestock, co-operatives particularly milk and poultry co-operatives, health services, family welfare, education through chain of schools and colleges, vocational training and tourism in all the backward areas of the country.

Funds of the Authority.

8. The Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the development works to be undertaken by the Authority and for the administrative expenses of the Authority.

Development Fund.

9. The Authority shall have a fund to be called the Development Fund to which shall be credited all moneys received from the Government for the purposes of development of the backward areas and all payments by the Authority towards development expenditure shall be made therefrom.

Annual Report to the President of India.

10. The Authority shall submit an annual report, in such form and in such manner as may be prescribed of its activities of development in backward areas of the country to the President of India who shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.

Power to make rules.

11. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

After Independence, when we launched our first Five Year Plan, the need for levelling down the economic disparities between various parts of the country was felt by everyone. As such the accelerated development of backward areas with a view to reducing the regional imbalance became one of the main national objectives in all our five year plans thereafter. But, unfortunately, even after 44 years of independence, the economic disparities among various regions in the country have not only persisted but have also increased. Another dimension has been added to economic backwardness by educational backwardness. It has been noticed that educational backwardness has increased immensely in economically backward areas. The glaring example in this regard is the State of Bihar. Having the largest deposits of minerals in the country it has remained economically backward in comparison to other States due to the apathy of successive Central and State Governments. As a result it is the most backward State in the field of education also. According to interim census data of 1991 Bihar has the largest illiterate population in the country. This clearly shows that the nation has not paid the required attention to the development of its backward areas. In fact such areas have become more backward in the course of time.

The development of backward areas in the country should be our prime concern. That is why our most respected and beloved leader the late Shri Rajiv Gandhi, had promised, in the 1991 Election Manifesto of the Congress Party, to establish one free investment industrial centre in every declared backward district with immunity for investments made, within the first 365 days of the Congress coming to power. It is hoped that the Government will certainly ensure time bound development of all the backward areas in the country. For this objective an autonomous Authority should be established which would be responsible for planning and implementation of area based package programmes in co-ordination with the Planning Commission, Central Government and State Governments. Such a step will ensure accelerated development of backward areas in the country.

Hence this Bill.

S. S. AHLUWALIA.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Backward Areas Development Authority. Clause 6 provides for officers, employees and other set up of the Authority. Clause 8 provides for the funds of the Authority. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. At this stage it is not possible to calculate the exact expenditure on this account but it is estimated that a recurring expenditure to the tune of rupees one thousand crores is likely to be involved from the Consolidated Fund of India per annum. A non-recurring expenditure of about rupees one crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of normal character.

X

BILL No. LIV of 1992

A Bill to provide for the free and compulsory minimum education for the girl child and other welfare measure to be undertaken by the State for her proper development and for matters connected therewith.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Girl Child (Compulsory Education and Welfare) Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in case of a State, the State Government and in other cases the Central Government;

(b) “girl child” means any woman who is below the age of sixteen years;

Short
title,
extent
and
com-
mence-
ment.

Defini-
tions.

(c) "prescribed" means prescribed by rules made under this Act.

Compulsory and free educational facilities for the girl child.

3. The appropriate Government shall provide to every girl child,—

(a) compulsory and free education upto the matriculation or secondary level;

(b) study materials, such as, books, note books, stationery etc. free of cost;

(c) free hostel facilities wherever necessary;

(d) school uniforms, shoes, socks free of cost;

(e) scholarships to deserving girl child for her school education and higher education in University/college including medical and technical education.

Provision of nutritious meals to girl child in schools etc.

4. The appropriate Government shall provide nutritious meals free of cost to all the girl students in schools, colleges, institutes, Universities and hostels till such time and in such manner as may be prescribed.

Medical care for the girl child.

5. The appropriate Government shall provide regular free medical aid and health care to every girl child throughout the country

Vocational training to girl child.

6. (1) The appropriate Government shall formulate a scheme for providing training to the girl child in the following vocations, namely:—

(a) home science;

(b) tailoring;

(c) doll making;

(d) cookery;

(e) food preservation;

(f) embroidery and painting;

(g) knitting and weaving;

(h) interior decoration;

(i) architecture;

(j) midwifery and nursing.

(2) The scheme may also incorporate any other vocation other than those referred to in sub-section (1). from time to time for imparting training to the girl child in such vocation.

Provision of employment.

7. The appropriate Government shall provide proper and gainful employment to every girl child after completion of her education or training in any vocation.

8. It shall be the duty of the head of each family or *Karta* of the family, male or female, to send every girl child of the family to school, college or institution for receiving the education or training, as the case may be, from the normal age of schooling of such girl child.

Head of the family to send the girl child to school for education.

9. Whoever contravenes the provisions of section 8 shall be punishable with imprisonment which may extend to two years or with fine which may extend to two thousand rupees or with both.

Penalty.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The girl child is the most neglected and unwanted in our country. Most families or married couples do not want a daughter in the family. That is why pre-birth sex determination tests are conducted and if the foetus is that of a girl it is medically terminated or aborted. Thus, it is ensured from all possible angles that a girl child should not come at all on this earth. However, if a lucky one is born, her birth is cursed. The near and dear ones of the family console the couple as if heaven has fallen over them.

While bringing up the children in a family the girl child is always neglected. The boys get the best to eat, wear and enjoy, whereas the girl is treated shabbily. Most families do not treat their sons and daughters at par. The boy is sent to the best school but the girl is sent to an ordinary school or, sometimes, is not sent to school at all. She is supposed to do the household chores, eat the leftovers and wear whatever is given to her. In the cities, the position has changed to some extent but in the rural areas, the position remains the same. The only change that appears is that the girls are not killed openly by swords in the public view, though poisoning or strangulation is still resorted to in some parts of the country for killing a girl child. All this is not a new development. It is a continuous process and many centuries have witnessed the atrocities on girls. She suffers throughout her life and no one bothers for her.

Ours is a Welfare State, and we have pledged, through our Constitution, that there will be no discrimination, on the ground of sex, religion, caste or creed in the country. The State has to come forward to rescue and develop the girl child who is neglected by the society. The girl child should be given compulsory and free education, free books, free, nutritious, diet, free dress and medical care. A deserving girl child should also be given a scholarship to continue her studies. After the studies she should be given proper and gainful employment. She must be given training in various vocations. So far as the family is concerned it is proposed to make it mandatory for the head of the family to send the girl child to school or he or she should be prosecuted for the offence of not sending the girl child for education.

If the above measures are adopted by the State, the position of the girl child can certainly be improved. In view of the fact that we are celebrating the current decade as the "SAARC Decade of the Girl Child", it is all the more necessary to evolve a proper policy for the welfare and literacy of the girl child, and sincerely implement it throughout the country.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory and free educational facilities for the girl child. Clause 4 provides for the provisions of nutritious meals to girl child in school etc. Clause 5 provides for medical care for the girl child. Clause 6 provides for scheme for giving training to the girl child in various vocations. Clause 7 provides for gainful employment for the girl child after her education and training. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India to the tune of one hundred crore rupees per annum.

A non-recurring expenditure of about five crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power of a normal character.

SUDARSHAN AGARWAL
Secretary-General.

